Interrogatory No. 9, Aug. 11, 2022 (Ex. 7)

Definitions:

> The "Book" means the publication entitled The Joseph H. Pilates Archive Collection: Photographs, Writings and Designs; and

> The "Collection" means "The Original and New Pilates Photo Collection," Copyright Reg. No. 0000242067.

Interrogatory No. 9. Identify each photograph or other item in the Book (a) that was published prior to 1992, (b) that is currently in the public domain, and/or (c) whose copyright you admit is not owned by you, and specify (a), (b), and/or (c), as applicable, for each.

Plaintiff's Response, Sept. 10, 2022 (Ex. 8)

Response: Plaintiff objects to this Interrogatory on the basis that requires legal conclusions, is a compound interrogatory consisting of 3 or 4 interrogatories. Plaintiff further objects to this Interrogatory as burdensome and not likely to lead to much if any relevant information and merely posed as part of a fishing expedition on behalf of some funders of this litigation who have no standing to request anything. Plaintiff further objects to this Interrogatory on the basis that the phrase "each photograph or other item" is vague and overbroad.

To the extent known, Plaintiff does not claim ownership of copyright in a John Lindquist photograph on page 168 of the Book and any other photographs in the Book to which it does have a claim of copyright ownership.

Letter from Troy to Knull, Oct. 4, 2022 (Ex. 9)

Interrogatory No. 9.
You objected to this interrogatory on the basis that it (a) "requires legal conclusions," (b) "is a compound interrogatory consisting of 3 or 4 interrogatories," (c) is "not likely to lead to much if any relevant information," etc., and (d) uses the phrase, "each photograph or other item in the Book," which you inexplicably believe is "vague and overbroad."

Defendants are entitled to have any information in your clients' possession regarding whether an image was published prior to 1992, is in the public domain, and/or is not a photograph or other item whose copyright is not owned by Richtone. Gallagher frequently appears in social media videoclips lecturing others on

publication and public domain and is capable of providing information to the best of his knowledge and understanding.

Whether or not the interrogatory consists of 3 or 4 interrogatories is irrelevant. Defendants posed 11 interrogatories, and the limit is 25.

Consequently, your client must answer Interrogatory No. 9.

Letter from Knull to Troy, Oct. 11, 2022 (Ex. 10)

INTERROGATORY 9 DISCUSSION

You state that Plaintiff "objected to this interrogatory on the basis that it (a) "requires legal conclusions," (b) "is a compound interrogatory consisting of 3 or 4 interrogatories," (c) is "not likely to lead to much if any relevant information," but once again you refrain from quoting the entire objection, which is "burdensome and not likely to lead to much if any relevant information and merely posed as part of a fishing expedition on behalf of some funders of this litigation who have no standing to request anything." and replace it with a very pregnant "etc."and (d) uses the phrase, "each photograph or other item in the Book," which you inexplicably believe is "vague and overbroad." and which indeed makes this Request "vague and overbroad" and essentially directed at satisfying the thirst of your funders.

You assert that "Defendants are entitled to have any information in your clients' possession regarding whether an image was published prior to 1992, is in the public domain, and/or is not a photograph or other item whose copyright is not owned by Richtone. Gallagher frequently appears in social media videoclips lecturing others on publication and public domain and is capable of providing information to the best of his knowledge and understanding." This is exactly what has been done. Plaintiff has provided its full response to this Request.

You also assert that "Whether or not the interrogatory consists of 3 or 4 interrogatories is irrelevant. Defendants posed 11 interrogatories, and the limit is 25." Plaintiff knows this and is keeping count.